

Attorney Docket No. 56104576-51

REMARKS

Claims 1-25 were pending in the above identified application. Claims 1-4, 6, 7, 11, 13, 16, 18-21, 23-25 have been amended and claim 26 newly added. Claims 1-25 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-5, 7, 9, and 12-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated. Claims 6, 8, 10, and 11 stand rejected under 35 U.S.C. § 103 as being obvious. Applicant respectfully submits that claims 1-26 are in condition for allowance for at least the reasons articulated below.

I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-25 are rejected under 35 U.S. C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, 16, 18-21, and 23-25

The Examiner states that the phrases “good buffering capacity” or adequate conductivity” in claims 1, 15, 16, 18-21, and 23-25 are unclear. These claims have been amended and these terms omitted. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

Claims 1, 3, and 15

The Examiner states that the term “environment” is unclear because “the applicant has not defined anything about ‘environment’” and “how would one possessing ordinary skill in the art know whether a specified structure element prevents convective mixing or not.” Claims 1, 3, and 15 have been amended and the term “environment” omitted. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

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Claim 2

The Examiner states that is unclear how to interpret claim 2. Claim 2 has been amended to further clarify the subject matter therein. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

Claim 3

The Examiner states that claim 3 appears to be redundant because its limitations are already present in claim 1. This limitation has been deleted from claim 1 and claim 3 has been amended to further clarify the subject matter therein. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

Claim 13

The Examiner states that claim 13 is "grammatically awkward" and that "the claim only defines intended use of the isoelectric substance." Claim 13 has been amended to further clarify the subject matter claimed therein. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

II. REJECTION UNDER 35 U.S.C. §102(b)

Claims 1-5, 7, 9, and 12-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bier et al (U.S. Pat. No. 4,204,929). Applicant traverses for at least the reasons stated below.

Bier does not disclose each and every limitation contained in the recited claims. Amended claims 1-5, 7, 9, and 12-25 require that the ion-permeable barriers "substantially restrict movement of the isoelectric substance through the ion-permeable barriers."

The Examiner points to buffer systems and amphoteric substances such as Ampholines™ in Bier, col. 1, ln. 28-46, to disclose this limitation regarding isoelectric substances. However,

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Bier discloses that these buffers and amphoteric substances readily move through ion permeable barriers (disclosed as 52-60) at col. 7, ln. 42-44. Bier also specifically discloses "circulation through the apparatus" of these buffers and amphoteric substances at col. 9, lines 56-67.

Without the limitation that the ion-permeable barriers "substantially restrict movement of the isoelectric substance through the ion-permeable barriers," the Bier reference cannot anticipate claims 1-5, 7, 9, and 12-25. Accordingly, Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

II. REJECTION UNDER 35 U.S.C. §103

Claim 6 stands rejected under 35 U.S.C. §103 as being obvious over Bier et al (U.S. Pat. No. 4,204,929) in view of Perry (U.S. Patent No. 5,087,338). Claim 8 stands rejected under 35 U.S.C. §103 as being obvious over Bier et al (U.S. Pat. No. 4,204,929) in view of Dubrow (U.S. Patent No. 5,164,507). Claim 10 stands rejected under 35 U.S.C. §103 as being obvious over Bier et al (U.S. Pat. No. 4,204,929) in view of Martin (U.S. Patent No. 4,243,507). Claim 11 stands rejected under 35 U.S.C. §103 as being obvious over Bier et al (U.S. Pat. No. 4,204,929) in view of WO 92/15,870.

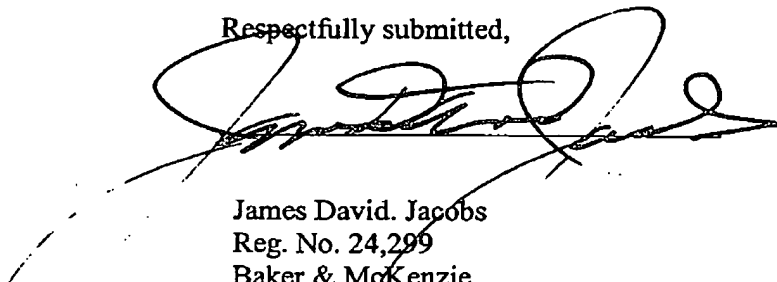
Bier does not disclose the limitations of independent claim 1 as set forth above. As claims 6, 8, 10 and 11 depend from allowable claim 1, for at least this reason, claims 6, 8, 10 and 11 are also allowable. Applicant respectfully requests that rejection on this basis be reconsidered and withdrawn.

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CONCLUSION

Applicant respectfully submits that this response places the present application in condition for allowance. Favorable Action is hereby requested. If a further telephone interview would be of assistance in advancing prosecution of the present application, the Examiner is requested to telephone the undersigned at the number provided below. If the Commissioner determines that additional fees are due, please charge our Deposit Account No. 02-0393.

Respectfully submitted,



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